

**U.S. DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

ROBERT RIVET, : **CASE NO. C-1:02-164**
Plaintiff, : **(Judge Watson)**
vs. :
FORD MOTOR COMPANY, : **JOINT STATUS REPORT**
Defendant. :

Pursuant to this Court's Order of October 14, 2004, the parties herein provide the following Joint Status Report.

1. Nature of the Case and Brief Description of Claims Asserted:

This case is brought by a former employee of Ford Motor Co. ("Ford") after Ford terminated Plaintiff's employment in 2001. Plaintiff initiated this action against Ford. In the Amended Complaint, Plaintiff asserts four claims: (1) age discrimination in violation of state and federal law; (2) age discrimination in violation of Ohio Public Policy; (3) discrimination in violation of the Employment Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. §1140; and (4) breach of implied contract. Judge Dlott granted summary judgment to Ford on all of the claims, except for the ERISA claim. With respect to the ERISA claim, Plaintiff claims Ford was motivated to terminate him because in 1998 he had refused to accept a "VRS" retirement package. Ford claims that it offered the "VRS" package to the lowest rate employees in each region, that it offered the VRS package to Plaintiff in 1998 because he was one of the lowest rated employees in the Cincinnati area and that Ford terminated Plaintiff in 2001 not for his rejection of the VRS package but because of plaintiff's job performance.

2. Efforts to Settle, Pre- and Post- Filing of Complaint.

At the time of his termination, Ford provided Plaintiff with a severance package equivalent to approximately a year's salary without requiring a release of all of his claims. Prior to the filing of this action, Plaintiff's counsel discussed without success possible settlement. The parties also discussed settlement prior to Judge Dlott's ruling granting in part and denying in part Ford's Motion for Summary Judgment. At that time Plaintiff's settlement demand included reinstatement and a lump sum payment, but the parties were not able to reach an agreement. Ford did not accept Plaintiff's offer. This case is scheduled for a settlement conference on December 1, 2004.

3. Scheduled Dates:

- a. Discovery cut-off: Discovery is completed.
- b. Dispositive Motions: The Court has granted in part and denied in part Ford's Motion.
- c. Settlement Conference: Currently scheduled for December 1, 2004.
- d. Final Pre-Trial: Not scheduled.
- e. Trial: Not Scheduled.

Respectfully submitted,

/s/ David G. Torchia

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served this 21st day of October, 2004, via CM/ECF to all parties entitled to service under Rule 5 of the Federal Rules of Civil Procedure.

/s/ Ted T. Martin
Ted T. Martin (0014204)

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